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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,943	10/14/2004	Tzu-Ming Chou	22171-00026-US1	5942
30678 7590 05/31/2007 CONNOLLY BOVE LODGE & HUTZ LLP P.O. BOX 2207 WILMINGTON, DE 19899-2207			EXAMINER PHAM, VAN T	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/711,943

Applicant(s)

CHOU ET AL.

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5 recite the limitation "the rotation speed" in line 11, 2, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation " the group including" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the output" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the output" in line 12. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Go et al. (US 2003/0198155).

Regarding claim 1, discloses a recording method for an optical disk drive, comprising the steps of:

detecting at least one unstable signal source of the optical disk drive (see Fig. 2, element 104),

wherein the unstable signal source is selected from the group including

- a level of a focusing error signal,
- a level of a tracking error signal,
- a wobble synchronization pattern loss,
- an error rate of demodulating a wobble signal and
- a frequency of buffer under-run occurrence, and (see [0012])

ceasing recording if the detected value exceeds a preset threshold value (see Fig. 3, steps 301-305);

decreasing the rotation speed of the optical disk drive (see Fig. 3, step 306); and

resuming recording with the decreased rotation speed (see Fig. 3, step 307).

Regarding claim 2, discloses the recording method for an optical disk drive in accordance with claim 1, further comprising the step of detecting whether the optical disk drive is recording before the unstable signal source is detected (inherently, see Fig. 3 and [0035]).

Regarding claim 3, discloses the recording method for an optical disk drive in accordance with claim 1, further comprising the step of ensuring that the recording is ceased after the operation of stopping recording is instructed (see Fig. 3).

Regarding claim 4, discloses the recording method for an optical disk drive in accordance with claim 1, wherein ceasing recording and decreasing the rotation speed of the optical disk drive are controlled by a microprocessor (Fig. 1).

Regarding claim 5, discloses the recording apparatus for an optical disk drive, comprising:

- a driver for controlling the rotation speed of the optical disk drive (see Fig. 2);

- a servo signal generation unit for generating a level of a focusing error signal, a level of a tracking error signal and a wobble synchronization pattern loss (see Fig. 1 and [0012]);

- a microprocessor, comprising:

- a detection mechanism for detecting an error rate of demodulating a wobble signal and a frequency of buffer under-run occurrence (see abstract);

- a recording termination control mechanism for ceasing recording if the output of the detection mechanism or the servo signal generation unit exceeds a preset threshold value and the recording is underway (see Fig. 3); and

- a recording speed adjustment mechanism for setting parameters with a lower rotation speed if the output of the detection mechanism or the servo signal generation unit exceeds a preset threshold value and the recording is ceased by the recording termination control mechanism (see Fig. 3); and

a digital signal processor for converting the parameters with the lower rotation speed into a driving signal that instructs the driver to decrease the rotation speed of the optical disk drive (see Figs. 2-3).

Regarding claim 6, discloses the recording apparatus for an optical disk drive in accordance with claim 5, wherein the servo signal generation unit comprises:

a signal generator connected to an optical pickup head of the optical disk drive for generating the focusing error signal, the tracking error signal and the wobble signal; a level detector for detecting the levels of the focusing error signal and the tracking error signal; and a demodulation unit for demodulating the wobble signal (see Fig. 1).

Regarding claim 7, discloses the recording apparatus for an optical disk drive in accordance with claim 5, further comprising an encoder connected to the microprocessor (see Fig. 1).

Regarding claim 8, discloses the recording apparatus for an optical disk drive in accordance with claim 7, further comprising a buffer connected to the encoder (see Fig. 1, inherently).

Regarding claim 9, discloses the recording apparatus for an optical disk drive in accordance with claim 5, wherein if the output of the detection mechanism or the servo signal generation unit exceeds a preset value and the recording is ceased, the recording termination control mechanism remains at the ceased status (see Fig. 3).

#### ***Cited References***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The cited references relate to a method of searching for a boundary position between a recorded region and an unrecorded region of a recording disk, and information recording apparatus; Disk drive apparatus capable of resuming the recording process during interruption.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER